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December 20, 2012

**BY EMAIL (CrottyNYSDChambers@nysd.uscourts.gov)**

Hon. Paul A. Crotty, U.S.D.J.  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Chambers 735  
New York, NY 10007

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Re: Sexton -v- Dellacato – 12 Civ. 8984 (PAC) – Joint Request for  
an Adjournment

Dear Judge Crotty:

We are in the process of being retained to represent David Dellacato, the named defendant in the above referenced matter. Mr. Dellacato was served with a third-party subpoena in connection with an arbitration. This matter apparently challenges the sufficiency of Mr. Dellacato's production.

The summons and complaint and the order to show cause were served on Mr. Dellacato on December 14, 2012. The summons indicated that he had 21 days to respond. Mr. Dellacato was focused on the summons response date and did not understand that he was required to submit a response to the order to show cause on December 19th. We apologize for Mr. Dellacato's error.

✓ We have conferred with counsel for plaintiff, and he has agreed to extend the time for Mr. Dellacato to respond to the order to show cause to Wednesday, January 2, 2013. Counsel for both parties are available for a hearing on the order to show cause on either January 9 or 10, 2013, at 3:30 p.m. or later, and the parties respectfully request that the Court adjourn the hearing date accordingly. Counsel for both parties have also agreed to extend the time for Mr. Dellacato to respond to the complaint until February 4, 2013.

✓ Applications granted, and the hearing is adjourned to 01/09/13 @ 3:30 PM in Courtroom 11-D.

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SO ORDERED:

12-21-12  
*Paul A. Crotty*  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

Hon. Paul A. Crotty, U.S.D.J.

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Your approval is respectfully requested.

Respectfully submitted,



Judith A. Lockhart

JAL:arp

cc: Marlon Ovalles, Courtroom Deputy  
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Southern District of New York  
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